

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CRIMINAL NO. 19-332
)	
)	
v.)	
)	
JASON KENDRIC PORTER, JR.,)	
)	
Defendant,)	
)	

MEMORANDUM OPINION

Pending before the court are three pro se motions filed by defendant Jason Porter, Jr. (“Porter”): (1) a motion for return of property (ECF No. 145); (2) a motion for enforcement of the original plea (ECF No. 149); and (3) a motion for a status conference (ECF No. 150). The government filed a response to the motion for return of property (ECF No. 148), explaining that the motion is moot because arrangements were made to return the property to Porter’s counsel of record, John Halley. A response by the government to Porter’s other motions is not necessary. The court will not consider his pro se motions because he is represented by an attorney.

District courts have the “authority to issue limitations on [defendant’s] pro se filings submitted while represented by counsel.” *United States v. D’Amario*, 256 F. App’x 569, 570 (3d Cir. 2007); *see also McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) (a defendant does not have a constitutional right to “hybrid” representation); *United States v. Turner*, 677 F.3d 570, 579 (3d Cir. 2012) (“except in cases governed by *Anders*, parties represented by counsel may not file pro se briefs.”) (citing *Anders v. California*, 386 U.S. 738 (1967)).

Mr. Halley remains attorney of record for Porter. Porter, therefore, shall not file pro se motions. Instead, he must consult with his attorney, who will file motions on his behalf in the

exercise of his professional judgment. To the extent that Porter is attempting to withdraw his guilty plea, he and counsel should consider the decision in *United States v. Rivernider*, 828 F.3d 91, 108 (2d Cir. 2016).

For the foregoing reasons, the motion for return of property (ECF No. 145) will be denied as moot; and the motion for enforcement of the original plea (ECF No. 149) and motion for a status conference (ECF No. 150) will be denied without prejudice to counsel's ability to file an appropriate motion on Porter's behalf.

An appropriate order will be entered.

Dated: December 20, 2023

BY THE COURT:

/s/Joy Flowers Conti
Senior United States District Judge